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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

SAMUELA VEHIKITE,

Defendant and Appellant.

A154659

(Contra Costa County
Super. Ct. No. 5-180046-5)

Samuela Vehikite appeals his felony escape conviction (Pen. Code, § 4532, subd. (b)(2)).¹ We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In 2012, Vehikite was convicted of inflicting corporal injury on a spouse or cohabitant (§ 273.5, subd. (a)). In 2017, Vehikite was convicted of vehicle theft (Veh. Code, § 10851, subd. (a)) and possessing a controlled substance (Health & Saf. Code, § 11377), and the trial court placed him on probation. (Case No. 05-171160-5.) As a condition of probation, Vehikite was required to wear an ankle bracelet with a GPS monitor. In November 2017, the sheriff's department received an alert that Vehikite's ankle bracelet strap had been cut.

The prosecution charged Vehikite with escape by force or violence (§ 4532, subd. (b)(2)). The information also alleged Vehikite committed the offense while on probation for the 2017 convictions (§ 1203.3). At trial, the prosecution offered evidence that:

¹ Undesignated statutory references are to the Penal Code.

(1) Vehikite was required to wear an ankle monitor as a condition of probation in case No. 05-171160-5; (2) Vehikite was fitted with the monitor and knew the rules regarding the monitor; and (3) Vehikite cut the ankle monitor strap. In April 2018, the jury convicted Vehikite of escape by force or violence (§ 4532, subd. (b)(2)). Vehikite waived his right to a jury trial on the prior convictions and the trial court found them true.

In May 2018, the court sentenced Vehikite to the midterm of four years in state prison on the escape conviction, plus eight months (one-third the midterm) on the vehicle theft conviction in case No. 05-171160-5. The court suspended execution of sentence and placed Vehikite on probation for three years with various terms and conditions, including that Vehikite serve jail time. The court awarded Vehikite custody credits and ordered him to pay various fines and fees.

DISCUSSION

Appointed counsel filed a *Wende* brief and informed Vehikite of his right to file a supplemental brief. Vehikite has not filed a supplemental brief. We have reviewed the entire record and find no arguable issues. (*People v. Kelly* (2006) 40 Cal.4th 106.) The judgment is affirmed.

Jones, P.J.

We concur:

Simons, J.

Needham, J.

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